

**METROPOLITAN AREA PLANNING COMMISSION**

**MINUTES**

**August 22, 2002**

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, August 22, 2002, at 1:30 P.M., in the Planning Department Conference Room, 10<sup>th</sup> floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Jerry Michaelis, Chair; Bud Hentzen, Vice-Chair; Dorman Blake; Ron Marnell; Don Anderson; Bill Johnson; Harold Warner; Frank Garofalo; Ray Warren; Kerry Coulter; James Barfield; David Wells and John McKay, Jr. Elizabeth Bishop was not present. Staff members present were: Marvin S. Krout, Secretary; Dale Miller, Assistant Secretary; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Donna Goltry, Principal Planner; Jess McNeely Associate Planner; Jamsheed Mehta, Chief Planner, Transportation Planning; David Barber, Land Use Supervisor and Rose Simmering, Recording Secretary.

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**2. Approval of the MAPC minutes for July 25, 2002 and August 8, 2002.**

**MOTION:** That the minutes for July 25, 2002 be approved.

**GAROFALO** moved, **WARNER** seconded the motion, and it carried (8-0).

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Items 2-1 through 2-5 may be taken in one motion unless there are questions or comments.

**2/1. SUB2002-00066 – Final Plat of SIERRA HILLS ADDITION, located on the east side of 127<sup>th</sup> Street East and north of Pawnee.**

- A. Prior to this plat being scheduled for City Council review, annexation of the property will need to be completed. Upon annexation, the property will be zoned SF-5, Single-Family Residential and allow for the lot sizes being platted.
- B. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **City/County Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved.**
- E. **County Engineering has required a guarantee for the paving of 127<sup>th</sup> St. to Cherry Creek.**
- F. The plat proposes complete access control along the plat's frontage to 127th St. East.
- G. The Applicant shall guarantee the paving of the proposed streets. The guarantee shall also provide for sidewalks on at least one side of all through, non cul-de-sac streets in addition to the loop street.
- H. If this site develops prior to Equestrian Estates, the paving guarantee shall include the installation of a temporary turnaround at the terminus of Horseback at the plat's north line.
- I. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- J. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- K. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- L. **Triple Crown Ct within Block 4 needs to be renamed as Sierra Hills Ct. Triple Crown Cir needs to be renamed as Triple Crown Ct. The stub to the north needs to named Triple Crown. Cherry Creek located south of Block 4 needs to be renamed as Sierra Hills.**
- M. The applicant shall submit a copy of the instrument which establishes the pipeline easements on the property, which verifies that the easements and setbacks shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the City.

- N. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- O. **The applicant intends to revise Lot 18, Block 5 to a reserve to include a swimming pool as a use. A site plan shall be submitted with the final plat tracing for review and approval by the Planning Director. The site plan shall include the information indicated in the Subdivision Regulations. Otherwise a conditional use and public hearing will be needed in the future.**
- P. The platting text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- Q. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- R. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- S. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- T. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- U. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- V. Perimeter closure computations shall be submitted with the final plat tracing.
- W. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- X. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. **Southwestern Bell has requested additional easements.**
- Y. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**WARNER** moved, **BLAKE** seconded the motion, and it carried (9-0).

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- 2/2. **SUB2002-00063 – One-Step Final Plat of SPENCER'S FIRST ADDITION, located south of Central, on the west side of Hoover.**
- A. City water services are available to serve the site. The applicant shall submit a guarantee for the extension of sanitary sewer.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved. Since drainage will be directed onto I-235, a letter shall be provided from KDOT indicating their agreement to accept such drainage.**
- D. St. Louis and Hoover are unpaved streets. **City Engineering has required a petition for the paving of Hoover. It is recommended that the property owner to the north is contacted regarding participation in the vacation of St. Louis. In the event St. Louis is not vacated, a No Protest Petition for paving of St. Louis is also needed.**
- E. The plat proposes five access openings along Hoover, and complete access control along St. Louis. **Access controls are approved.**
- F. As a lot used for multi-family uses adjacent to non-arterial streets, the Subdivision regulations require a sidewalk along St.

Louis and Hoover. **The Subdivision Committee approved a sidewalk along Hoover.**

- G. The applicant has platted a 6-ft street side setback along St. Louis, in lieu of the required 15 feet. The Subdivision Regulations permit the setback provisions to be modified by the plat upon the approval of the Planning Commission.
- H. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- I. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- J. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- K. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- M. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- R. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- S. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**WARNER** moved, **BLAKE** seconded the motion, and it carried (9-0).

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**2/3. SUB2002-00076 – One-Step Final Plat of RHONDA'S ADDITION, located on the west side of 263<sup>rd</sup> Street West and north of 55<sup>th</sup> Street South.**

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval. **County Code Enforcement** needs to be contacted as to sewer requirements.
- B. The site is currently located within the Rural Water District No. 4. The applicant shall contact this water district to determine the ability of this property being platted to connect to their water line and submit a letter to MAPD and **County Code Enforcement** from the water district to that effect.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.

- D. **County Engineering has advised that the drainage plan should address terraces and drop structures. A floodway reserve may be needed.**
- E. The plat proposes one opening per lot. **In accordance with the proposed Access Management Policy which requires 660 feet between openings along rural arterials. The opening for Lot 2 be located along the south property line.**
- F. The right-of-way easement on the southwest corner of Lot 2, Block 1 needs description for usage, and dimensions.
- G. The applicant should provide a 35-ft contingent dedication of street right-of-way extending to the west property line.
- H. The signature line for the County Commissioners Chairman needs to reference "Ben Sciortino".
- I. The common property line between both lots should be denoted with a solid line.
- J. Approval of this plat will require a waiver of the lot depth to width ratio of the Subdivision Regulations for both lots. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width.
- K. A fire department access drive to any structure located on the lots more than 150 feet from the edge of 263<sup>rd</sup> Street West will need to be provided and installed prior to construction in according with fire department specifications:
1. 20 feet of drivable surface is provided the entire length of the access drive designed to withstand the weight of fire apparatus in inclement weather.
  2. The surface will need to be an all weather material consisting of rock or gravel, ground asphalt, laid asphalt or concrete. It is to be applied a minimum of 4 inches in depth consistently over the entire width and length of the driving surface (gravel is prone to problems during extended periods of rain or snow and should be used with caution unless a good solid compacted base has been installed).
  3. An approved turnaround is provided that allows the turning of apparatus in no more than two maneuvers.
  4. 13-foot 6-inch vertical clearance is maintained the entire length of the access drive
- L. The applicant shall submit a copy of the instrument which establishes the right-of-way easement for a pipeline on the property, which verifies that the easement shown is sufficient and that utilities may be located adjacent to and within the easement. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the County.
- M. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.
- N. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- O. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- P. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Q. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- R. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- S. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.

- T. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- U. Perimeter closure computations shall be submitted with the final plat tracing.
- V. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- W. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- X. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**WARNER** moved, **BLAKE** seconded the motion, and it carried (9-0).

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**2/4. SUB2002-00077 – One-Step Final Plat of MARTIN ADDITION, located on the south side of 37<sup>th</sup> Street North and the west side of 199<sup>th</sup> Street West.**

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact County Code Enforcement to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval. Lot 1, Block A contains 4.3 acres, less than the required 4.5 acres for lots served by sewage lagoons, which will need to be approved by a Zoning Adjustment. County Code Enforcement needs to be contacted to determine soil testing necessary to determine appropriate sewer systems.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. County Engineering needs to review the drainage plan.
- D. County Engineering has required complete access control dedicated along 37th St. North. Complete access control needs to be dedicated along 205<sup>th</sup> St. W. for the north 75 feet of Lot 1, Block A. The final plat tracing shall reference the dedication of access controls in the plat's text.
- E. The plat's text shall note the dedication of the street to and for the use of the public.
- F. The applicant shall guarantee the installation of the proposed street to the 36-ft rock suburban street standard.
- G. The Applicant is advised that if platted, the building setbacks must be a minimum of 85 feet from the centerline of 37<sup>th</sup> St. North to conform with the Zoning setback standard for County section line roads.
- H. The County Fire Department/GIS needs to comment on the plat's street names. The street names are approved.
- I. A fire department access drive to any structure located on the individual lots more than 150 feet from the edge of 205th street west will need to be provided and installed prior to construction in according with fire department specifications:
  - 1. 20 feet of drivable surface is provided the entire length of the access drive designed to withstand the weight of fire apparatus in inclement weather.
  - 2. The surface will need to be an all weather material consisting of rock or gravel, ground asphalt, laid asphalt or concrete. It is to be applied a minimum of 4 inches in depth consistently over the entire width and length of the driving surface (gravel is prone to problems during extended periods of rain or snow and should be used with caution unless a good solid compacted base has been installed).
  - 3. An approved turnaround is provided that allows the turning of apparatus in no more than two maneuvers.
  - 4. 13-foot 6-inch vertical clearance is maintained the entire length of the access drive
- J. 205<sup>th</sup> Street West is to be installed in accordance with county road standards and approved prior to development of the individual lots.
- K. The platting binder indicates a party holding a mortgage on the site. This party's name must be included as a signatory on the plat, or else documentation provided indicating that such mortgage has been released.

- L. The Applicant needs to verify the location of the pipeline right-of-way indicated in the platting binder. The right-of-way shall be shown if encumbering this plat, or verification provided that it is off-site or has been released.
- M. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- N. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- O. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- P. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- Q. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- R. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- S. Perimeter closure computations shall be submitted with the final plat tracing.
- T. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- U. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- V. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**WARNER** moved, **BLAKE** seconded the motion, and it carried (9-0).

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- 2/5. SUB2002-00078** – One-Step Final Plat of THE BROAD STREET ADDITION, located south of MacArthur Road and west of West Street.
- A. **The applicant will be revising the boundaries of the plat so that it does not abut the City of Wichita.**
  - B. **City Water and Sewer Department** requests a petition for future extension of sanitary sewer and water services.
  - C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
  - D. **County Engineering requests a drainage plan for review. A minimum pad elevation is needed. The drainage easement needs dimensions and should be shown as a floodway reserve.**
  - E. The **County Surveyor** notes that the width of the KGE easement needs to be denoted.
  - F. The correct name for the railroad needs to be shown.
  - G. A complete legend is needed.
  - H. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
  - I. The applicant is reminded that this site is located within three miles of the City Limits of Wichita and will be heard by City Council. Therefore, the City Council signature block needs to be included on the final plat.

- J. The platting binder indicates a party holding a mortgage on the site. This party's name must be included as a signatory on the plat, or else documentation provided indicating that such mortgage has been released.
- K. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- L. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- S. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. **Southwestern Bell has requested additional easements.**
- T. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**WARNER** moved, **BLAKE** seconded the motion, and it carried (9-0).

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GAROFALO question about item 3-3 about the denial process this one will be pulled and there will be discussion.

3. **Consideration of Subdivision Committee Recommendations**  
Item 3-1 through 3-5 may be taken in one motion, unless there are questions or comments.

**3-1. VAC2002-00025 – Request to Vacate a Portion of an Alley.**

<u>OWNER/APPLICANT:</u>	Nu-Line Co. Inc
<u>AGENT:</u>	Marlin K Penner
<u>LEGAL DESCRIPTION:</u>	The west 259.50-feet of the platted 20-foot alley dedicated on the Davis Garden Addition.
<u>LOCATION:</u>	Generally located northwest of the Zoo Boulevard – Central Avenue intersection.
<u>REASON FOR REQUEST:</u>	The applicant proposes to pave and fence the property for parking and outside storage.
<u>CURRENT ZONING:</u>	Subject properties are zoned LI Limited Industrial. Properties to the east and south, across Central Avenue, are zoned LC Limited Commercial. Property to the north is zoned GO General Office. Property to the west, across Gow Avenue, is zoned LC Limited Commercial and OW Office Warehouse.

The applicant is requesting the west 259.50-feet of the platted 20-ft alley be vacated. The applicant proposes to pave both the alley and his properties abutting it on the north and south sides. There are utilities in the alley. Reversion of the alley to private property will be to the property north and south of the alley, both which are owned by the applicant.

The Planning Staff recommends approval of this request to vacate the alley.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time July 16, 2002, which was at least 20 days prior to this public hearing.
  2. That private rights will not be injured or endangered by the vacation of the above-described platted alley and the public will not suffer loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be approved.
- B. Therefore, the vacation of the portion of the platted alley described in the petition should be approved subject to the following conditions:
- (1) Provide Planning Staff with a covenant tying Lot 1, Block A, John Weitzel Addition (south lot) to Lot 1, John Weitzel 2<sup>nd</sup> Addition (north property), to be recorded with the County.
  - (2) Retain the alley as a utility easement.
  - (3) Post a sign at the east-Zoo Boulevard-N Sheridan Ave intersection advising that this is not a through alley. Sign must be made of reflective material, to be visible at night, and the Traffic Engineer must approve the size, type and placement.
  - (4) The Fire Department requires that the alley have either siren operated gates or Knox Box gates installed at both ends. Gates must have a reflective material, to be visible at night, placed the width of them. Signage to be approved by the Fire Department.
  - (5) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
  - (6) All improvements shall be according to City Standards

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**ANDERSON** moved, **BLAKE** seconded the motion, and it carried (9-0).

**3-2. VAC2002-00026 – Request to Vacate an Alley.**

OWNER/APPLICANT: City of Furley

LEGAL DESCRIPTION: The platted alley abutting Lots 1-14, Block 15, & Reserve H, Furley Plat.

LOCATION: Generally located southwest of the 111<sup>th</sup> Street East – 109<sup>th</sup> Street North intersection, north of 4<sup>th</sup> Street in Furley, Kansas, an unincorporated section of Sedgwick County.

REASON FOR REQUEST: The applicant proposes to convert to private property.

CURRENT ZONING: Subject property is dedicated Public ROW. Properties to the east, north and south are zoned RR Rural Residential. Property to the west is zoned LI Limited Industrial and is Railroad ROW.

The applicant is requesting the platted 20-ft alley abutting Lots 1-14, Block 15, & Reserve H, Furley Plat be vacated. The applicant proposes conversion of the property to private property, noting that the property has been platted since 1893, has never been developed and is of no apparent benefit to the public. The site is in an unincorporated section of Sedgwick County.

The Planning Staff recommends approval of this request to vacate the alley.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time August 1, 2002, which was at least 20 days prior to this public hearing.
  2. That private rights will not be injured or endangered by the vacation of the above-described platted alley and the public will not suffer loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be approved.



B. Therefore, the vacation of the portion of the platted alley described in the petition should be approved subject to the following conditions:

- (1) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (2) All improvements shall be according to City Standards

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**ANDERSON** moved, **BLAKE** seconded the motion, and it carried (9-0).

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**3-4. VAC2002-00028 – Request to Vacate an Alley.**

**OWNER/APPLICANT:** Joe Rodriguez

**LEGAL DESCRIPTION:** The portion of the platted 20-foot wide alley running parallel and abutting the southeast sides of Lots 30, 29 & 28, Block 11, as dedicated on the Martinson's 7<sup>th</sup> Addition.

**LOCATION:** Generally located southwest of the Douglas Avenue West – Seneca Street intersection, 149 South Glenn.

**REASON FOR REQUEST:** The applicant proposes to build a detached garage.

**CURRENT ZONING:** Subject property and properties north, east and west of the site are zoned B Multi-family residential. Property to the south is zoned MF-29 Multi-family residential.

The applicant is requesting that portion of the platted 20-ft alley that runs parallel and abuts the southeast sides of Lots 30, 29 & 28, Block 11, as dedicated on the Martinson's 7<sup>th</sup> Addition be vacated. The applicant proposes to build a detached garage. There are no city utilities in the alley, nor is there a future need to retain the alley as an easement. There are no other utilities in the alley. The vacation of the alley will not deny access to Public ROW by any abutting or adjacent property owners. The reversion of the alley will go to the applicant. The setbacks are current for B Multi-family residential and will move with the new property line. Any encroachment into the setbacks will require the applicant to request consideration for an administrative adjustment or a variance.

The Planning Staff recommends approval of this request to vacate the alley.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time August 1, 2002, which was at least 20 days prior to this public hearing.
2. That private rights will not be injured or endangered by the vacation of the above-described platted alley and the public will not suffer loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be approved.

B. Therefore, the vacation of the portion of the platted alley described in the petition should be approved subject to the following conditions:

- (1) The Planning Staff requires a survey showing the new property size as provided by a licensed surveyor, prior to completing the vacation.
- (1) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (2) All improvements shall be according to City Standards.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**ANDERSON** moved, **BLAKE** seconded the motion, and it carried (9-0).

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**3-5. VAC2002-00029 – Request to Vacate a Platted Ten-Foot Easement.**

**OWNER/APPLICANT:** Joe Rodriguez

**LEGAL DESCRIPTION:** The portion of the platted 20-foot wide alley running parallel and abutting the southeast sides of Lots 30, 29 & 28, Block 11, as dedicated on the Martinson's 7<sup>th</sup> Addition.

**LOCATION:** Generally located southwest of the Douglas Avenue West – Seneca Street intersection, 149 South Glenn.

**REASON FOR REQUEST:** The applicant proposes to build a detached garage.

**CURRENT ZONING:** Subject property and properties north, east and west of the site are zoned B Multi-family residential. Property to the south is zoned MF-29 Multi-family residential.

The applicant is requesting that portion of the platted 20-ft alley that runs parallel and abuts the southeast sides of Lots 30, 29 & 28, Block 11, as dedicated on the Martinson's 7<sup>th</sup> Addition be vacated. The applicant proposes to build a detached garage. There are no city utilities in the alley, nor is there a future need to retain the alley as an easement. There are no other utilities in the alley. The vacation of the alley will not deny access to Public ROW by any abutting or adjacent property owners. The reversion of the alley will go to the applicant. The setbacks are current for B Multi-family residential and will move with the new property line. Any encroachment into the setbacks will require the applicant to request consideration for an administrative adjustment or a variance.

The Planning Staff recommends approval of this request to vacate the alley.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time August 1, 2002, which was at least 20 days prior to this public hearing.
  2. That private rights will not be injured or endangered by the vacation of the above-described platted alley and the public will not suffer loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be approved.
- B. Therefore, the vacation of the portion of the platted alley described in the petition should be approved subject to the following conditions:
- (1) The Planning Staff requires a survey showing the new property size as provided by a licensed surveyor, prior to completing the vacation.
  - (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
  - (3) All improvements shall be according to City Standards.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**ANDERSON** moved, **BLAKE** seconded the motion, and it carried (9-0).

COULTER in at 1:32 p.m.  
WELLS in at 1:33 p.m.

**3-3. VAC2002-00027 – Request to Vacate Right-of-Way.**

**AGENT:** PEC c/o Rob Hartman

**LEGAL DESCRIPTION:** A portion of Parkdale Street, located in the Evergreen Addition, Wichita, Sedgwick County, Kansas; more particularly described as Parkdale Street from the south right-of way of Greenspoint Street to the south property line of the Evergreen Addition.

**LOCATION:** Generally located northwest of the 21<sup>st</sup> North – Maize Road intersection.

**REASON FOR REQUEST:** The applicant proposes to redevelop vacated ROW as part of reconfigured SF-5 Single Family Residential lots.

**CURRENT ZONING:** Subject property is dedicated Public ROW in the Evergreen Addition, properties abutting it on all sides are zoned SF-5 Single Family Residential.

The applicant is requesting consideration for the vacation of Parkdale Street as dedicated on the Evergreen Addition. This section of Parkdale lies (a) between Lots 11, Block 6, Evergreen Addition [east side], (b) Lot 1, Block 7, Evergreen Addition and Reserve A

[west side], (c) Greenpoint Street, a residential road in the Evergreen Addition [north side], and (d) the Northwest Christian Church Addition [south side]. Parkdale was intended to be a residential collector road that would provide access to 21<sup>st</sup> Street North and 29<sup>th</sup> Street North. The development of the Northwestern Christian Church Addition (as a church) has shut out the immediate possibility of Parkdale extending to 21<sup>st</sup> Street North. The other properties abutting the Evergreen Addition on its south side and between the subdivision and 21<sup>st</sup> Street North are developed as large lot single family residential. The exception is a landlocked lot between the developed single-family residential lots fronting 21<sup>st</sup> Street North and the Evergreen Addition. The same family that owns the developed lots owns this lot. This combination of the residential and church developments would prevent the possibility of immediate access to 21<sup>st</sup> Street North. There is direct access to the Evergreen Addition from Maize road to the west, and the anticipation of access to 29<sup>th</sup> Street North with Parkdale ending at a large undeveloped, unplatted property to the north. There are no utilities in this section of Parkdale proposed to be vacated.

The Planning Staff has received several calls from the owners of the properties abutting the south side of the Evergreen Addition, protesting the possible relocation of dedicated right-of-way if Parkdale is vacated. These calls were from Robert Kelley representing the Kelley family properties, which abutted the whole south side of the Evergreen Addition, with the exception of the Northwest Christian Church Addition. The agent requesting the vacation of Parkdale noted that the Kelley family had sold the property to Northwest Christian Church Addition and as part of the sale stipulated that the church not allow a road to go through the property to 21<sup>st</sup> North.

The Planning Staff recommends denial of this request to vacate this portion of Parkdale, which would provide future access to 21<sup>st</sup> Street North.

The Subdivision Committee, at their August 15, 2002 meeting recommended approval of the request to vacate this portion of Parkdale.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Wichita Eagle of notice of this vacation proceeding one time August 1, 2002, which was at least 20 days prior to this public hearing.
  2. That private rights will not be injured or endangered by the vacation of the above-described platted residential street and its right-of-way and the public will not suffer loss or inconvenience thereby.
  3. In justice to the petitioner, the prayer of the petition ought to be approved.
- B. Therefore, the vacation of the portion of the platted residential street and its right-of-way described in the petition should be approved subject to the following conditions:
- (1) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
  - (2) All improvements shall be according to City Standards

BILL LONGNECKER, Planning staff, presented the staff report.

KROUT I would like to know why Subdivision approved the vacation?

WARNER The church has a contract. The church is not going to change. There is going to be access getting out of there. We made the decision on the basis of what was presented at Subdivision hearing, and who was here for that meeting from the public comments.

**MOTION:** Approve item 3-3 the recommended action by Subdivision.

**ANDERSON** moved, **WARNER** seconded the motion, and it carried (11-0).

- 5a. **ZON2002-00049 (Associated with ZON2002-00050)** – Chapel Hill Village, LLC and Chapel Hill Fellowship United Methodist Church (Owner/Applicant); Professional Engineering Consultants c/o Rob Hartman (Agent) request a zone change from “SF-5” Single-Family Residential to “LC” Limited Commercial, “NR” Neighborhood Retail, “MF-18” Multi-Family, and “TF-3” Two-Family on property described as:

The South 500 feet of Lot 1, Block 1, Chapel Hill Addition to Wichita, Sedgwick County, Kansas. Generally located On the northeast corner of 13<sup>th</sup> Street North and Chapel Hill Road.

**AND**

- 5b. **ZON2002-00050 (Associated with ZON2002-00049)** - Chapel Hill Village, LLC and Chapel Hill Fellowship United Methodist Church (Owner/Applicant); Professional Engineering Consultants c/o Rob Hartman (Agent) request a zone change from “SF-5” Single-Family Residential to “LC” Limited Commercial, “NR” Neighborhood Retail, “MF-18” Multi-Family, and “TF-3” Two-Family on property described as:

NR Zoning  
Reserve B, Chapel Hill Addition to Wichita, Sedgwick County, Kansas

MF-18 Zoning  
Lots 5 through 9, Block 3 and Reserve A of Chapel Hill Addition to Wichita, Sedgwick County, Kansas

TF-3 Zoning  
Lots 2 through 12 and 18 through 27, Block 1; Lots 1 through 13, Block 2; and Lots 1 through 4 and 10 through 15, Block 3 of Chapel Hill Addition to Wichita, Sedgwick County, Kansas Generally located On the northeast corner of 13<sup>th</sup> Street North and Chapel Hill Road.

**BACKGROUND:** The applicant requests a zone change from "SF-5" Single Family to "LC" Limited Commercial, "NR" Neighborhood Retail, "MF-18" Multi-Family, and "TF-3" Two-Family on 18.2 acres of platted property located at the northwest corner of 13<sup>th</sup> Street North and K-96. An attached plat of the property illustrates the areas requested for rezoning. The applicant owns a total of 43.2 acres at this location, with the remainder of the property to remain zoned "SF-5" Single-Family and to be developed with a church and a detention pond. The applicant proposes to develop the areas to be rezoned with a retail center, a broadcast studio, multi-family housing, and duplexes.

The surrounding area is characterized primarily by developing commercial uses with much of land still undeveloped. The property to the south across 13<sup>th</sup> Street North is zoned "LC" Limited Commercial and is developed with a movie theater. The property to the east across K-96 is zoned "SF-5" Single-Family and is developed as a cemetery. The property to the north is zoned "SF-20" Single-Family and is undeveloped. The property to the west is zoned "SF-20" Single-Family and "LC" Limited Commercial and is undeveloped.

**CASE HISTORY:** The property is platted as Chapel Hill Addition, which was recorded April 8, 1999. The zoning on Lots 13-18, Block 1 was changed (SCZ-0767) to "TF-3" Two-Family on May 25, 1999.

#### **ADJACENT ZONING AND LAND USE:**

NORTH:	"SF-20"	Undeveloped
SOUTH:	"LC"	Theater
EAST:	"SF-5"	Cemetery
WEST:	"LC" & "SF-20"	Undeveloped

**PUBLIC SERVICES:** The subject property has frontage along 13<sup>th</sup> Street North, a four- to five-lane arterial street. Current traffic volumes on 13<sup>th</sup> Street North are approximately 5,700 vehicles per day. The 2030 Transportation Plan estimates that traffic volumes on 13<sup>th</sup> Street North will increase to approximately 17,700 vehicles per day. Public water and sewer service are available to the subject property.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Institutional" and "Low Density Residential" development. The Commercial Location Guidelines indicate that commercial sites should be located adjacent to arterial streets and have site design features that limit noise, lighting, and other aspects from adversely impacting surrounding residential uses. The proposed commercial uses on the subject property meet these locational guidelines by being located along an arterial street and being buffered from surrounding residential uses by a church to the north, commercial uses to the west and south, and a freeway to the east. The Residential Locational Guidelines indicate that medium density residential uses, such as those proposed by the applicant, should be located within walking distance of commercial centers and along roadways that avoid high traffic volumes in lower-density residential neighborhoods. The proposed duplexes and multi-family residential uses meet these locational guidelines.

**RECOMMENDATION:** While planning staff finds the rezoning request appropriate, the applicant has requested to rezone narrow strips of Reserve A between Lots 11 & 12 and Lots 1 & 15, Block 3 to "MF-18" Multi-Family. Since the property on either side of these narrow strips would be zoned "TF-3" Two-Family, such a zoning pattern would result in narrow strips of land that could not be built upon but would trigger compatibility and screening requirements with adjacent properties. To avoid, this planning staff recommends that these strips of land be rezoned "TF-3" Two-Family instead of "MF-18" Multi-Family. Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to replatting the property within one year, except that the narrow strips of Reserve A between Lots 11 & 12 and Lots 1 & 15, Block 3 be rezoned to "TF-3" and that the applicant provide a legal description of these areas prior to consideration of the zone change request by the City Council.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized primarily by developing commercial uses with much of land still undeveloped. Much of the surrounding land is zoned "LC" Limited Commercial. The proposed zoning is compatible with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "SF-5" Single-Family Residential, and could be developed with residential and institutional uses. Given its proximity to the freeway interchange, the area proposed for "LC" Limited Commercial is more suitable for commercial uses than residential uses. The remainder of the subject property is proposed for residential uses that are of an appropriate density given the subject property's proximity to commercial uses.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Detrimental affects on remaining residential properties in the area should be minimized by the screening, lighting, and compatibility standards of the Unified Zoning Code and the landscape street yard, parking lot screening, buffer landscaping requirements of the Landscape Ordinance, which should limit noise, lighting, and other activity from adversely impacting the residential properties to the north and west.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Institutional" and "Low Density Residential" development. The Commercial Location Guidelines indicate that commercial sites should be located adjacent to arterial streets and have site design features that limit noise, lighting, and other aspects from adversely impacting surrounding residential uses. The proposed commercial uses on the subject property meet these locational guidelines by being located along an arterial street and being buffered from surrounding residential uses by a church to the north, commercial uses to the west and south, and a freeway to the east. The Residential Locational Guidelines indicate that medium density residential uses, such as those proposed by the applicant, should be located within walking distance of commercial centers and along roadways that avoid high traffic volumes in lower-density residential neighborhoods. The proposed duplexes and multi-family residential uses meet these locational guidelines.
5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.

MICHAELIS asked if the applicant or agent was in agreement with all the staff comments, and received a response in the affirmative.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

MICHAELIS moved, COULTER seconded the motion, and it carried (12-0).

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6. **CUP2002-00028 DP238 Amendment #1** – Twenty-First Growth, LLC (Owner); MKEC c/o Greg Allison (Agent) request removal of 2.3 acres of property from DP-238 Twenty-First Commercial C.U.P. on property described as:

A tract of land lying in the Southwest Quarter Section 2, Township 27 South, Range 2 East of the 6th Principal Meridian, Wichita, Sedgwick County, Kansas, more particularly described as follows: Beginning at a point 75.00 feet North of the South line and 75.00 feet East of the West line of said Southwest Quarter; thence parallel with said West line on a Kansas South Zone Grid bearing N 00 degrees 38'30" W, 175.00 feet; thence N 09 degrees 10'21" W, 101.12 feet to a point 60 feet East of said West line; thence N 00 degrees 38'30" W, 882.92 feet; thence N 43 degrees 54'57" E, 71.26 feet to a point on a curve to the left; thence along the said curve 132.75 feet, said curve having a central angle of 15 degrees 12'44", a radius of 500.00 feet, and a long chord distance of 132.36 feet, bearing N 79 degrees 53'10" E to a point on a curve to the right; thence along the said curve 338.41 feet, said curve having a central angle of 25 degrees 08'56", a radius of 771.00 feet, and a long chord distance of 335.70 feet, bearing N 84 degrees 51'16" E to a point on a curve to the left; thence along the said curve 128.09 feet, said curve having a central angle of 08 degrees 51'11", a radius of 829.00 feet, and a long chord distance of 127.96 feet, bearing S 86 degrees 59'51" E; thence N 88 degrees 34'33" E, 162.90 feet to a point on a curve to the left; thence along the said curve 22.46 feet, said curve having a central angle of 02 degrees 50'05", a radius of 454.00 feet, and a long chord distance of 22.46 feet, bearing N 87 degrees 09'31" E; thence S 00 degrees 38'30" E, 1255.42 feet to a point lying 60.00 feet North of said South line; thence parallel with said South line S 88 degrees 33'26" W, 538.12 feet; thence N 82 degrees 54'43" W, 101.12 feet; thence S 88 degrees 33'26" W, 175.00 feet to the point of beginning. Generally located North of 21<sup>st</sup> Street North, and east of 127<sup>th</sup> Street East

**BACKGROUND:** The applicant is requesting that 2.3 acres of Parcel 1 be removed from DP-238 Twenty-First Commercial C.U.P., located along the northern edge of the C.U.P. The 2.3 acres will be incorporated into the single-family residential lots being platted to the north of a new collector street, Camden Chase. It will no longer be part of the commercial and multi-family development slated for the corner of the 21<sup>st</sup> Street North and 127<sup>th</sup> Street East intersection as part of DP-238. If amended as requested, the entire C.U.P. would contain 23.66 acres after removal of 2.3 acres on Parcel 1.

The C.U.P. is currently zoned "SF-20" Single-Family Residential (approximately 17 acres) and "LC" Limited Commercial (approximately 6 acres) but was approved for "LC" Limited Commercial (16.73 acres) and "MF-18" Multi-Family Residential (the residual 6.93 acres of Parcel 1) as part of SCZ-0780 approved March 3, 1999, subject to platting within two years. The property has not been platted, but has received platting extensions until March 3, 2003.

The property to the west is currently being developed with a large church and school, Church of the Magdalen. Residential development is under construction to the north of the Church of the Magdalen. The area to the south is approved for commercial development, DP-222 Reed C.U.P., but is undeveloped. A small parcel of "GO" General Office zoning was approved to the east of the application area. Residential plats are in process of approval for both of the 160-acre quarter-sections surrounding the commercial C.U.P.s along 21<sup>st</sup> Street North. These are Hawthorne Addition, which includes and surrounds DP-238, and Reed's Cove Addition, which surrounds DP-222. The property is located one-half mile from K-96.

Four-Mile Creek flows along the eastern edge of the C.U.P.

**CASE HISTORY:** The original C.U.P. and zone change to "LC" and "MF-18" was approved by the Sedgwick County Commission on March 3, 1999.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"SF-20" Single-Family	Vacant, agriculture
EAST:	SF-20" Single-Family	Vacant, agriculture
SOUTH:	"SF-20"; "SF-5" Single-Family	Vacant, agriculture
WEST:	"SF-5" Single-Family	Church of Magdalen church and school, single-family residential

**PUBLIC SERVICES:** 21st Street is currently an improved two lane arterial street. The 2030 Transportation Plan projects 28,446 ADTs and depicts 21st Street as a 5-lane arterial. Year 2000 traffic counts for 21st Street North at this location are 7,858. The County CIP depicts a widening project for some time in the future. Right-of-way acquisition is scheduled for 2006. Currently, 127<sup>th</sup> Street East is an unpaved township road north of 21<sup>st</sup> Street. Traffic is projected to be 5,439 ADTs in 2030 for 127<sup>th</sup> Street East between 13<sup>th</sup> Street North and 21<sup>st</sup> Street North.

Public water is available. Sewer service will have to be extended either through the city's main plant or to the Four-Mile Creek plant.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use Guide of the *1999 Update to the Comprehensive Plan* identifies the C.U.P. property as appropriate for "commercial" development along 21<sup>st</sup> Street North and "medium density residential" for Parcel 1.

**RECOMMENDATION:** Based upon the information available prior to the public hearing, staff recommends the request be APPROVED subject to replatting within one year and subject to the following conditions:

- A. APPROVE Amendment #1 to the Community Unit Plan (DP-238), subject to the following conditions:
1. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
  2. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
  3. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
  4. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All surrounding properties to the north, east and south are currently vacant. A small tract (2.1 acres) that borders DP-238 Twenty-First Growth C.U.P. on the east is approved for "GO" General Office; the remaining land to the east and north are zoned "SF-20" Single-Family. The 20-acre property to the south DP-222 Reed Commercial C.U.P) is zoned "SF-5" Single-Family but approved for "LC" Limited Commercial. The rest of the quarter-section to the south is being platted for "SF-5" type development. Church of the Magdalen is located on property zoned "SF-5". The area to the north and west of Magdalen is being developed with a combination of residential zoning, including "MF-18" and "SF-5". The 21st Street corridor is becoming the focus of new development activity as sewer and water services have become available, and since 21st Street North has been improved. Other uses between the application area and K-96 include another large church, a private high school, and a 14-acre tract approved for commercial development on the southeast corner of K-96 and 21<sup>st</sup> Street North.
2. The suitability of the subject property for the uses to which it has been restricted: The site is approved for "LC" and "MF-18" uses and could be developed accordingly.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The use of an additional 2.3 acres for single-family rather than multi-family use will lower the intensity of residential development slightly, and should not be a detrimental effect on nearby property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The downzoning requests a less intense use than shown on Land Use Guide of the adopted Comprehensive Plan designation as "multi-family". It conforms to the recommended usage for the property to the north as "low density residential".
5. Length of time the land has been vacant as currently zoned: None since the property has not been platted yet.
6. Impact of the proposed development on community facilities: The conversion of 2.3 acres from multi-family to single-family lots should slightly reduce the impact of the development on community facilities.

MICHAELIS asked if the applicant or agent was in agreement with all the staff comments, and received a response in the affirmative.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**MICHAELIS** moved, **GAROFALO** seconded the motion, and it carried (12-0).

7. **CON2002-00042** – Bledsoe Enterprises, Inc., Harry Bledsoe (Owner); Baughman Company, P.A., c/o Russ Ewy (Agent) request Conditional Use for a temporary rock crusher on property described as:

A tract of land lying in the NW 1/4 of Section 36, Township 27 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas, described as beginning at a point 169 feet, more or less, south and 30 feet east of the NW corner of said NW 1/4; thence south parallel with the west line of said NW 1/4, 500 feet; thence east at a right angle to the west line of said NW 1/4, 700 feet; thence north parallel with the west line of said NW 1/4, 500 feet; thence west to the point of beginning (subject property contains 350,000 square feet, or 8.0 acres.) Generally located On the southeast corner of 135<sup>th</sup> Street West and Kellogg (US54 Hwy)

**BACKGROUND:** The applicant requests a Conditional Use to allow "Rock Crushing" in association with an approved Conditional Use for the excavation of fill material (CON2002-35), and a permitted "by right" temporary concrete plant site. The purpose of all of these uses is for the anticipated West Kellogg highway project. The unplatted, undeveloped property is located southeast of the Kellogg and 135<sup>th</sup> intersection, and is zoned "SF-20". The application area is 8 acres located within a larger 53-acre tract, which is approved for the previously mentioned excavation Conditional Use. Proposed access to the site is off 135<sup>th</sup> at a point 600 feet south of Kellogg; setbacks indicated on the site plan are 100 feet from Kellogg and 150 feet from 135<sup>th</sup>.

The applicant indicates that after the Conditional Use is no longer needed, the site will be graded and developable. North of the application area, across Kellogg, is property zoned "GC" and undeveloped or developed with businesses. South of the application area is an "SF-20" zoned railroad corridor, a KG&E substation, agriculturally developed land, and a large lot single-family residence located beyond the railroad, substation, and agricultural field. East of the application area is "SF-20" zoned property developed with agricultural uses. West of the application area is property zoned "GC" and "LI" developed with agricultural uses and a concrete mixing plant.

**CASE HISTORY:** The application area is located within a larger 53-acre tract which was approved for Conditional Use CON2002-35, for soil extraction, by MAPC on July 25<sup>th</sup>, 2002.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"GC"	undeveloped, retail business
SOUTH:	"SF-20"	railroad, utility substation, agriculture, single-family residence
EAST:	"SF-20"	agriculture
WEST:	"GC", "LI"	agriculture, concrete mixing plant

**PUBLIC SERVICES:** The property is located along 135<sup>th</sup> Street West, a two-lane, unpaved section line road. The existing half-width right of way on this road is 30 feet; County Public Works has indicated a desire to increase that half-width right of way to the desired standard of 70 feet. The traffic count as of July 2000 was 788 cars per day (ADTs) on this section of 135<sup>th</sup>. The projected traffic volume for 2030 is 3,961 cars per day. No street projects are currently included in the C.I.P for this section of 135<sup>th</sup>; the 2030 *Transportation Plan* designates this section of 135<sup>th</sup> to be a two-lane arterial. The property currently has no improved entrances onto 135<sup>th</sup>.

**CONFORMANCE TO PLANS/POLICIES:** The "Wichita Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this property as "Industrial/Transportation/Utility/Communication", reflecting its location along Kellogg. The "Sedgwick County Development Guide" designates the application area as within the 2010 Urban Service Area.

The Unified Zoning Code lists "Rock Crushing" as a Conditional Use in the "SF-20" zoning district. The Zoning Code lists no specific conditions for "Rock Crushing"; however, the site is currently under the conditions of the previous soil extraction Conditional Use.

**RECOMMENDATION:** With the proper conditions in place, this temporary proposal should not have a detrimental affect on the surrounding properties. The previous conditional use for excavation on this site required right of way dedications to bring the adjacent 135<sup>th</sup> Street West up to County right-of-way standards. The conditions suggested below should mitigate potential negative impacts caused by this Conditional Use. Required permits should further ensure the safe operation of the Conditional Use. For these reasons and based on information available prior to the public hearings, Staff recommends that the Conditional Use request be **APPROVED**, subject to the following conditions:

1. The Conditional Use shall be developed and operated in conformance with the approved site plan.
2. The storage of equipment or stockpiling of sand, aggregate, or overburden is not permitted closer than 100 feet to any public right of way, or closer than 50 feet to any property line.
3. Any stockpiling of fuels or chemicals on this site must be approved by the Health Department.

4. All aggregate piles will be no higher than 20 feet and watered as necessary to minimize blowing dust. Capacity of dust and emissions of dust from the rock crusher, the aggregate piles or any facility cannot exceed opacity as determined by the Wichita Environmental Health – Air Quality Staff and the Kansas Air Pollution Control Regulations.
5. Nothing in the approval of a Conditional Use shall be construed to permit a contractor's material and equipment storage yard. Within 60 days after completion of the rock crushing operation, the land surrounding the site shall be properly graded and planted with a vegetative cover. Also, all stockpiled material and related equipment shall be removed from the subject site.
6. The Conditional Use for the rock crusher operation shall be valid for a period of 4 years.
7. Hours of operation for rock crushing shall be limited to 6:00 a.m. to sunset.
8. All operational roads shall be maintained in a sand or graveled condition and shall be treated with water or other acceptable dust retardant to minimize blowing dust.
9. The applicant shall meet all permitting, reporting and operating requirements as necessary per the local, state and federal levels prior to any crushing activities on this site.
10. The level of noise generated by the rock crusher shall not exceed community standards as specified by City Ordinance and determined by the Wichita Environmental Health Department.
11. If operations have not begun within one year of approval, the Conditional Use shall be null and void.
12. If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

**This recommendation is based on the following findings:**

1. The zoning, uses and character of the neighborhood: The properties surrounding the application area are zoned "SF-20" and "GC"; the area is a mixture of rural, industrial, and commercial uses. The Conditional Use should not negatively affect the character of the neighborhood, as like uses already exist.
2. The suitability of the subject property for the uses to which it has been restricted: The application area could be developed as zoned for agricultural uses or single-family residential use. The site location, adjacent to a freeway and near an existing concrete mixing plant, may not make it attractive for residential uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The conditions provided in the Unified Zoning Code for this Conditional Use should prevent any detrimental affect on nearby property. These conditions work to mitigate any negative dust, noise, or environmental effects. The fencing requirement from the previously approved Conditional Use for soil extraction should prevent trespassing and accidents on this property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *Comprehensive Plan* does not specifically address "Rock Crushing". The Plan recommends that all industrial use locations be compatible with the built and natural environment. The land use guide identifies this area as designated for "Industrial/Transportation/Utility/Communication"; the requested use is consistent with this designation.
5. Impact of the proposed development on community facilities: Traffic to and from the requested Conditional Use at this location will increase the daily trips on this section of 135th; this increase should not exceed the safe capacity of this road. The right of way dedication from the previous Conditional Use approved at this site will allow for further widening of 135<sup>th</sup>, should an increase in traffic make widening necessary.

MICHAELIS asked if the applicant or agent was in agreement with all the staff comments, and received a response in the affirmative.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**MICHAELIS** moved, **BLAKE** seconded the motion, and it carried (12-0).

8. **CON2002-00041** – 786, Inc., c/o Craig Olsson (Owner); MKEC Engineering Consultants, Inc., c/o Lisa Buckingham request Conditional Use for ancillary parking on property described as:

The South 215 feet of Lot 3, except the South 25 feet thereof, Payne's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Market and Orme

**BACKGROUND:** The applicant is requesting a "Conditional Use" to allow ancillary parking on property zoned "B" Multi-Family located on the northeast corner of Market and Orme. The application area would be used as accessory parking for the adjacent



hotel being remodeled as a La Quinta Inn. With the inclusion of this area, the La Quinta Inn will occupy the entire city block between Kellogg Drive, Broadway, Orme and Market except for two residential structures located in the middle of the block along Market.

This ancillary lot is needed to meet the parking requirements of the Unified Zoning Code. The site contributes 33 spaces to the total parking requirements. Additional parking areas on the southeast corner of Kellogg and Market, the northwest corner of Broadway and Orme and in front of the hotel provide approximately 125-135 spaces. Total parking requirements are 145 spaces based on the remodeled building design.

A variance for the site was granted (Wichita Board of Zoning Appeals Case #10-85) to reduce the parking requirements for the original hotel from 214 spaces to 148 spaces. This variance is no longer needed since remodeled parking requirements are below the variance level and the amount provided with this Conditional Use will be in the range of 158-168 spaces. Another variance was granted (Case #30-72) to reduce the front setback on Orme to zero feet and the side setback on Market to zero feet.

**CASE HISTORY:** The property is part of Lot 3, Payne's Addition platted in 1883. (See above for detail on variances previously approved.)

**ADJACENT ZONING AND LAND USE:**

NORTH:	"B" Multi-Family; "GC" General Commercial	Two residential structures, parking lot
SOUTH:	"B" Multi-Family; "LC"	Residences, hotel Limited Commercial
EAST:	"LC" Limited Commercial	Hotel
WEST:	"B" Multi-Family; "GC" General Commercial	Vehicle repair, limited; vacant

**PUBLIC SERVICES:** Normal municipal water and sewer services are available. The entrance to the lot is from Market, a one-way arterial, or from the alley separating the parking lot from the hotel. Transportation access to the hotel is via Kellogg Drive, a frontage road along the Kellogg Expressway (US 400) and Broadway, a four-lane arterial.

**CONFORMANCE TO PLANS/POLICIES:** The "Wichita Land Use Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the subject tract as "commercial".

**RECOMMENDATION:** Based on the information available prior to the public hearing, Staff recommends that the request be **APPROVED** subject to the following conditions:

1. The Conditional Use shall be developed in general conformance with the site plan. Any substantial change in the site plan shall require an amendment to this Conditional Use.
2. The ancillary parking area shall be developed in conformance with the requirements of Sec. III-D.6.p of the Unified Zoning Code ("UZC") except regarding front setbacks, and with all applicable screening, lighting and compatibility requirements of Sec. IV-B of the UZC, and the Wichita Landscape Ordinance.
3. Development of the Conditional Use shall be commenced within one year from approval or the Conditional Use shall be null and void.
4. Any substantial violation of these conditions shall be reviewed and if determined not to be in compliance with these conditions, shall render this Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The ancillary parking lot is zoned "B" Multi-Family Residential, which requires a Conditional Use when the accessory parking lot supports an adjoining use requiring more intensive zoning. The property to the east is zoned "LC" Limited Commercial and is the hotel. This is the principal use for which the ancillary parking lot is associated. The property along Broadway is developed with a variety of commercial uses zoned "GC" General Commercial or "LC" Limited Commercial, including another small hotel immediately to the southeast of the application area. The adjoining property to the north of the application area is zoned "B" and has two older residential structures. The remaining half-block farther to the north is parking for the La Quinta Inn site and is located on property zoned "GC". The property directly to the west on Market is zoned "GC" and has a vehicle repair business. The rest of the west side between Orme and Kellogg is zoned "B" and "GC" and is vacant. The property to the south and southwest of Orme is zoned "B" and is occupied with residences, mostly single-family.
2. The suitability of the subject property for the uses to which it has been restricted: The property has been used as a parking lot in the past, as evidenced by the previous BZA cases. It is unlikely the area between Orme and Kellogg would be redeveloped residentially.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of this Conditional Use does not effectively alter previous use of the site. The parking lot is being reconstructed and landscaped in a manner that would reduce its impact on the residential areas to the south and southwest by adding parking lot landscaping and screening, including some interior parking islands. The impact on the parking lot on the two remaining residential buildings to the north should be no more than the impact of the parking lot to the north that is zoned "GC" and permitted as a use of right.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Conditional Use is in conformance with the *Comprehensive Plan* designation as "commercial".
5. Length of the time property has remained vacant as zoned: The property was vacant during the time when the adjacent hotel was closed during the past few years.
6. Impact of the proposed development on community facilities: The proposed Conditional Use is not anticipated to generate any significant increase in traffic.

MICHAELIS asked if the applicant or agent was in agreement with all the staff comments, and received a response in the affirmative.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

MICHAELIS moved, BLAKE seconded the motion, and it carried (12-0).

- 9a. **CUP2002-00030 DP-231 Copper Gate C.U.P. Amendment #1 (Associated with ZON2002-00051)** – John Dugan Family Partnership, LP (Owner); Baughman Company, P.A., c/o Terry Smythe (Agent) request Amendment to DP-231 The Copper Gate Community Unit Plan on property described as:

Lots 1, 2, and 3, Block A, Copper Gate Addition, Sedgwick County, Kansas. Generally located At the southwest corner of 13<sup>th</sup> Street North and 135<sup>th</sup> Street West

**AND**

- 9b. **ZON2002-00051 (Associated with CUP2002-00030 DP231 Amendment #1)** - John Dugan Family Partnership, LP (Owner); Baughman Company, P.A., c/o Terry Smythe (Agent) request zone change from "LC" Limited Commercial to "SF-5" Single-Family Residential on property described as:

All of Lot 2, Block A, Copper Gate Addition, Sedgwick County, Kansas, together with that part of Lot 1 in said Block A described as follows: Beginning at the most easterly corner common to said Lots 1 and 2; thence S 89 degrees 35 feet 25 inches W along the north line of said Lot 2, 200.00 feet to the NW corner of said Lot 2; thence S 00 degrees 00 feet 00 inches W along the west line of said Lot 2, 200.00 feet to the SW corner of said Lot 2; thence S 89 degrees 35 feet 25 inches W along the south line of said Lot 1, 325.01 feet to the SW corner of said Lot 1; thence N 00 degrees 00 feet 00 inches E along the west line of said Lot 1, 686.69 feet; thence N 89 degrees 35 feet 25 inches E, 205.01 feet to a point 205.00 feet normally distant east of the west line of said Lot 1; thence S 00 degrees 00 feet 00 inches E, 250.01 feet; thence N 89 degrees 35 feet 25 inches E, 320.01 feet to a point on the east line of said Lot 1; thence S 00 degrees 00 feet 00 inches E along the east line of said Lot 1, 236.69 feet to the point of beginning. Generally located at the southwest corner of 13<sup>th</sup> Street North and 135<sup>th</sup> Street West.

**BACKGROUND:** The applicant is requesting that 6.32 acres of property zoned "LC" Limited Commercial be removed from DP-231 Copper Gate C.U.P. and be downzoned to "SF-5" Single-Family Residential. The property would be included in the Copper Gate Estates single-family subdivision being platted to the south of the application area. The parcels removed would be a portion of Parcel 1 and all of Parcel 2.

No changes are proposed for the remainder of the C.U.P.

Copper Gate C.U.P. originally included 24 ± acres, with 12 acres located on the north side of 13<sup>th</sup> Street North and 12 acres located on the south side. None of the property is developed, although there is a significant power line connecting the KGE substation on the southeast corner of 13<sup>th</sup> Street North and 135<sup>th</sup> Street West with the generating facility in Colwich that traverses the western and central part of the Copper Gate C.U.P. A few large residential tracts are developed on the east side of 135<sup>th</sup>, and a church is planning to build on the northeast corner of the intersection. Most of the surrounding area is still in agricultural use, but single-family plats are in the approval process for the area to south/southwest and to the east.

**CASE HISTORY:** The original C.U.P. and zone change to "LC" was approved by the Sedgwick County Commission on February 28, 1998. The property was platted as Copper Gate Addition on April 21, 2000. Now it is proposed for inclusion in Copper Gate Estates, a single-family plat approved by MAPC Subdivision Committee on August 1, 2002, and to be considered by MAPC on August 22, 2002.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"LC" Limited Commercial	Vacant, agriculture
EAST:	SF-20" Single-Family	KGE Substation, Sedgwick Co. Electric Coop, agriculture
SOUTH:	"SF-20" Single-Family	Vacant, agriculture
WEST:	"SF-20" Single-Family	Vacant, agriculture

**PUBLIC SERVICES:** The site has access from 135<sup>th</sup> Street West and 13<sup>th</sup> Street North. Both are two-lane arterial roads on the 2030 Transportation Plan. Traffic counts were unavailable for 2000, but are projected in 2030 to be 1,212 ADTs on 135<sup>th</sup> between 9<sup>th</sup> and

13<sup>th</sup> and to be 2,355 ADTs on 13<sup>th</sup> between 135<sup>th</sup> and 143<sup>rd</sup>. Access points and transportation improvements were determined during the original approval of the C.U.P. The only significant change from this amendment would be to reduce the number of access points on 135<sup>th</sup> Street West by one driveway and replace another driveway with a public street (Ponderosa).

Municipal services are planned for extension to the site prior to development.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use Guide of the *1999 Update to the Comprehensive Plan* identifies the general location as appropriate for "commercial" development, in conformance with the approved Copper Gate C.U.P. The property to the south is shown as appropriate for "low density residential".

The Far West Side Commercial Development Policy guides commercial growth at the nine intersections of 119<sup>th</sup> Street West, 135<sup>th</sup> Street West, 151<sup>st</sup> Street West with Maple, Central (4<sup>th</sup> Street North) and 13<sup>th</sup> Street North. The Far West study recommends limiting the scale of commercial development to neighborhood serving uses, and stricter guidelines appearance. Intersections within two miles driving distance of another intersection with more than 24 acres of commercial zoning are to be limited to 24 total acres on all corners, with a maximum of 12 acres on any one corner. Intersections within one mile driving distance are to be even more restricted. This intersection falls within the two-mile distance from the intersection at 135<sup>th</sup> and Maple, making it appropriate for up to 24 acres of commercial zoning, the amount already designated. If approved, this amendment would reduce the total amount at 135<sup>th</sup> Street West and 13<sup>th</sup> Street North to 17 acres.

**RECOMMENDATION:** Based upon the information available prior to the public hearing, staff recommends the request be APPROVED subject to replatting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2002-000051) to "SF-5" Single-Family, subject to replatting of the property within one year.
- B. APPROVE Amendment #1 to the Community Unit Plan (DP-231), subject to the following conditions:
  1. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.
  2. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
  3. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
  4. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The land to the south, southwest, east, northeast and northwest is zoned "SF-20" Single-Family Residential. Currently, the majority of this area is in agricultural use, but single-family plats are in process of approval for the south/southwest area (Copper Gate Estates-including the application area) and east (Liberty Park Addition). An electric substation operated by KGE and another smaller one for Sedgwick County Electric Coop Association are located on the southeast corner of 13<sup>th</sup> Street North and 135<sup>th</sup> Street West. The northeast corner is owned for future development by a church (Heritage Baptist). There are several large residential sites surrounding the church site. The property on both the northwest and southwest corner of 13<sup>th</sup> Street North and 135<sup>th</sup> Street West is zoned "LC" Limited Commercial (DP-231 Copper Gate C.U.P.) but is undeveloped.
2. The suitability of the subject property for the uses to which it has been restricted: The site is approved for "LC" use and could be developed accordingly.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The removal of the six acres will reduce the available acreage for commercial development at this intersection and might increase pressure for approval of alternate commercial sites at locations not in conformance with the Comprehensive Plan or Far West Policy.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The downzoning requests a less intense use than shown on Land Use Guide of the adopted Comprehensive Plan designation as "commercial". It conforms to the recommended usage for the property to the south as "low density residential".
5. Length of time the land has been vacant as currently zoned: The land has been ready for development since 2000 when the platting of Copper Gate Addition was completed.
6. Impact of the proposed development on community facilities: The proposed downzoning and reduced size of the C.U.P. should reduce the impact of the application area on community facilities.

MICHAELIS asked if the applicant or agent was in agreement with all the staff comments, and received a response in the

affirmative.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**MICHAELIS** moved, **GAROFALO** seconded the motion, and it carried (12-0).

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**2/6.      SUB2002-00056 – Final Plat of HAWTHORNE ADDITION, located on the northeast corner of 21<sup>st</sup> Street North and 127<sup>th</sup> Street East.**

- A. Prior to this plat being scheduled for City Council review, annexation of the property will need to be completed. Upon annexation, the portion of the property not contained within the zone change will be zoned SF-5, Single-Family Residential and allow for the lot sizes being platted.
- B. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted. **City Engineering has imposed limitations on sewer capacity. A three-year development allotment has been approved until downstream improvements are completed.**
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **The drainage plan is approved. A guarantee is required.**
- E. The approved CUP permitted 4 openings along 127th St. East and three openings along 21st St. The CUP also required joint access openings between Lots 3 and 4, and between Lots 5 and 6. Right turns only were required for the openings closest to the intersection. The access controls on the plat conform with the CUP. The dedication of access controls in the plat's text shall reference Block 6.
- F. Any joint access openings shall be established by separate instrument. Initial construction responsibilities and future maintenance of the driveway within the easement should also be addressed by the text of the instrument.
- G. **A guarantee has been provided for the street paving of the entire frontage along 127<sup>th</sup> St. East. The CUP required left and right turn lanes constructed for the access to Lot 2, Block 6, from both streets. The CUP also required the Developer to participate in a future traffic signal at the intersection and a northbound turn lane along 127<sup>th</sup> St.**
- H. The applicant shall guarantee the installation of the private streets, Lindsay Circle, Rosemont Circle and Rosemont Court, to a public street standard. As private improvements, such guarantee shall not be provided through the use of a petition.
- I. A covenant shall be submitted regarding Reserves H and J platted for private street purposes, which sets forth ownership and maintenance of the private streets.
- J. **No Parking is permitted along both sides of the 58-ft segment of Camden Chase located north of Lot 1, Block 6.**
- K. The applicant shall guarantee the paving of the proposed interior streets. This guarantee shall also provide for sidewalks along both sides of Camden Chase/Hawthorne which functions as a collector, along one side of the through non-cul-de-sac streets (Peckham and Williamsgate) and along one side of the loop street.
- L. Since an intended use for the reserves includes a swimming pool, a site plan shall be submitted with the final plat, for review and approval by the Planning Director. The site plan shall include the information indicated in the Subdivision Regulations. Otherwise a conditional use and public hearing will be needed in the future.
- M. Reserves Q and S need to be referenced in plat's text.
- N. Because of the landlocked nature of Reserve M being platted in the southeast corner of the site, a means of access shall be provided to such a Reserve.  
  
An opening has been platted along 21<sup>st</sup> Street. This opening needs to be labeled as a "service opening".
- O. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- P. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- Q. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot

which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.

- R. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- S. The City Fire Department/GIS needs to comment on the plat's street names. **Hawthorne shall be revised to Williams gate. Rothbury shall be revised to Mainsgate. Rosemont Circle which extends into Block 2 shall be revised to Rosemont Ct.**
- T. The applicant shall submit a copy of the instrument which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the City.
- U. The applicant's agent shall determine any setback requirements for the pipelines by researching the text of the pipeline agreements. If a setback from the pipeline easements is provided for in the pipeline easement agreements, it shall be indicated on the face of the plat.
- V. The recording information for all pipeline easements shall be indicated on the face of the plat.
- W. Based upon the platting binder, property taxes are still outstanding. Before the plat is scheduled for City Council consideration, proof shall be provided indicating that all applicable property taxes have been paid.
- X. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- Y. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- Z. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- AA. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- BB. The applicant is advised that various State and Federal requirements specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- CC. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- DD. Perimeter closure computations shall be submitted with the final plat tracing.
- EE. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- FF. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. **Westar Energy and Southwestern Bell has requested additional easements.**
- GG. The applicant is reminded that a disk shall be submitted with the final at tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**MICHAELIS** moved, **MARNELL** seconded the motion, and it carried (12-0).

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**2/7. SUB2002-00051 – Final Plat of COPPER GATE ESTATES ADDITION, located on the southwest corner of 13<sup>th</sup> Street North and 135<sup>th</sup> Street West.**

- A. Prior to this plat being scheduled for City Council review, annexation of the property will need to be completed. Upon annexation, the portion of the property zoned SF-20 will be zoned SF-5, Single-Family Residential and allow for the lot sizes

being platted.

- B. This plat will be subject to approval of the associated zone change and any related conditions of such a change. Prior to this plat being considered by MAPC, the zone change will need to be approved.
- C. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.
- D. **Paving of 13th St. North is required to the first entrance of the plat (Aksarben).**
- E. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- F. **County Engineering notes that applicant's drainage plans should reflect sufficient easements for drainage exiting points with particular attention to drainage exiting at the southeast corner of the plat. City Engineering has approved the drainage plan. An off-site easement is needed along the southeast corner. A drainage guarantee is required.**
- G. Complete access control has been platted along the plat's frontage to perimeter streets. Access control for the abutting commercial lots will be reviewed upon future plat submittal. **Along 13<sup>th</sup> St. North, Aksarben shall be relocated 400 feet west of the commercial property. Along 135<sup>th</sup> St. West, Ponderosa shall be relocated 150 feet south.**  
**Traffic Engineering** has approved the relocated internal streets.
- H. A street stub should be shown to the south for increased mobility when development occurs in this location.  
  
The stub has been platted as requested.
- I. Additional arrowheads designating complete access control need to be added along 13<sup>th</sup> St. North.
- J. Revised distances should be shown for the segments of access control along 13<sup>th</sup> St. North.
- K. The applicant shall guarantee the paving of the proposed interior streets. This guarantee shall also provide for sidewalks along one side of the non-cul-de-sac streets.
- L. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities. This covenant shall also provide for the Homeowners' Association to maintain the "parking strip" located between this site's east property line and driving surface for 135th St. East.
- M. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- N. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- O. **Harvest Lane Court shall be renamed Harvest Court. Lost Creek Circle shall be labeled as Lost Creek Cir.**
- P. **County Surveying** has advised that the 20x20 utility easement in Reserve B at 135th St does not appear to be properly depicted.
- Q. For any lots with existing tree rows that may be impacted by the installation of utilities, it is recommended that 30-ft utility easements be platted in order to allow for the installation of the utilities without damage to such tree rows.
- R. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- S. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- T. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- U. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so

that the type of delivery, and the tentative mailbox locations can be determined.

- V. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- W. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- X. Perimeter closure computations shall be submitted with the final plat tracing.
- Y. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Z. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be plated on this property. Southwestern Bell has requested additional easements.
- AA. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**MICHAELIS** moved, **MARNELL** seconded the motion, and it carried (12-0).

4. **ZON2002-00048** – B & R Land Company LLC c/o Bob Hentzen (owner/Applicant); K. E. Miller Engineering c/o Kirk Miller (Agent) request a zone change from “LC” Limited Commercial to “LI” Limited Industrial on property described as:

The East 50 acres of the North Half of the Northeast Quarter of Section 34, Township 26 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT The West 860 feet thereof and EXCEPT the South 684 feet thereof. Generally located at the southwest corner of 37<sup>th</sup> Street North and Hillside.

**BACKGROUND:** The applicant requests a zone change from “LC” Limited Commercial to “LI” Limited Industrial on a 8.7 acre unplatted tract located at the southwest corner of 37<sup>th</sup> Street North and Hillside. The applicant owns a total of 10 acres at this location, including 1.3 acres in an “L-shaped” configuration along the western and southern boundaries of the property that is already zoned “LI” Limited Industrial. The subject property is undeveloped. A portion of the subject property will be used as an office and warehouse for the applicant's construction business. The uses for the remainder of the property have not been determined.

The surrounding area is characterized primarily by commercial, industrial, and agricultural uses. The overwhelming majority of the property in the area is zoned “LI” Limited Industrial, with approximately 10 acres (excluding the subject property) near the corner of 37<sup>th</sup> Street North and Hillside zoned “LC” Limited Commercial. The nearest developed properties are the KWCH Channel 12 television studio to the west, Stroud's restaurant to the south, and a storage warehouse for Koch Industries to the east.

**CASE HISTORY:** The property is unplatted.

**ADJACENT ZONING AND LAND USE:**

NORTH: “LC”	Undeveloped
SOUTH: “LI”	Restaurant
EAST: “LC” & “LI”	Warehouse
WEST: “LI”	Television Studio

**PUBLIC SERVICES:** The subject property has frontage along 37<sup>th</sup> Street North, a two- to three-lane arterial street, and Hillside, a four- to five-lane arterial street. Current traffic volumes on 37<sup>th</sup> Street North are approximately 3,900 vehicles per day. The 2030 Transportation Plan estimates that traffic volumes on 37<sup>th</sup> Street North will increase to approximately 13,300 vehicles per day and recommends that 37<sup>th</sup> Street North be widened to four lanes. The City of Wichita Capital Improvement Program contains a project to widen 37<sup>th</sup> Street North in 2011. Current traffic volumes on Hillside are approximately 4,600 vehicles per day. The 2030 Transportation Plan estimates that traffic volumes on Hillside will increase to approximately 11,400 vehicles per day. Public water and sewer service are available to the subject property.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for “Industrial” development. In fact, this area has been identified as appropriate for industrial uses in City-County land use guides for over 40 years. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utilities trunk lines, rail spurs, and airports.

**RECOMMENDATION:** Based upon the information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting the property within one year.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized primarily by commercial, industrial, and agricultural uses. The overwhelming majority of the property in the area is zoned "LI" Limited Industrial. The proposed "LI" Limited Industrial zoning is compatible with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The subject property is zoned "LC" Limited Commercial, and could be developed with commercial uses. Given the long-standing guidance provided by land use guides that this area should be developed with industrial uses, the subject property is not suitable for restriction to commercial uses.
4. Extent to which removal of the restrictions will detrimentally affect nearby property: All nearby properties are zoned for industrial and/or commercial uses. No detrimental impacts from industrial use of the subject property is anticipated.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Land Use Guide of the Comprehensive Plan identifies this area as appropriate for "Industrial" development. In fact, this area has been identified as appropriate for industrial uses in City-County land use guides for over 40 years. The Industrial Locational Guidelines of the Comprehensive Plan recommend that industrial uses be located in close proximity to support services such as major arterials, truck routes, highways, utilities trunk lines, rail spurs, and airports. The subject property is well situated to utilize such support services.
5. Impact of the proposed development on community facilities: No detrimental impacts on community facilities are anticipated.

HENTZEN indicated he has a conflict of interest and stepped down.

SCOTT KNEBEL Planning staff, presented staff report.

KIRK MILLER agent, asked if there were any question for the applicant?

PAUL DUGAN Attorney at Law, representing Horrace Hiller, the owner of the restaurant from the south side. It used to be called the Wine Barn, and Mr. Hiller got tired of the Wine Barn thing, and it is now a chicken place to eat. We think the restaurant is going to be there for a long time. We would like some kind of screening on the Hentzen side. We would help to pay for the wall or the screening. It is a proper use in the "LI" Limited Industrial Zoning District. We don't want Garofalo coming to eat, and get out of the car, and see the warehouse and material out there in the open. Mr. Horrace Hiller asked me to come today, and we want some kind of screening, evergreens or a w all or something.

MICHAELIS You are not out of line. You can request this. Any questions of the speaker?

MILLER We will have some kind of fencing anyway, and we will work with the adjacent property owners.

DUGAN How does that work? Just word of mouth agreement?

MILLER I am sure we can come to an agreement.

**MOTION:** To approve, subject to staff comments and citing the findings in their report.

**MICHAELIS** moved, **WELLS** seconded the motion, and it carried (11-0-1) **HENTZEN** abstains.

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10. Review of the 2<sup>nd</sup> "annual" report on Key Indicators, presented by David Barber.

#### Item 10 – Key Indicators

TONI FAIRBANKS Planning Staff presented for Dave Barber.

Key Indicators is an annual report and is intended to track trends that relate to items discussed in the Comprehensive Plan.

Housing:

Single-family housing remains the dominant housing type in Wichita. Duplexes have increased about 5 % since 1997, and Manufactured Housing makes up a notable 4% of the housing stock.

Density:

Since 1997, there has been a 15% increase in residential lot density.

Housing affordability:



Housing appears to be more affordable with Median Family Income rising faster than median Home Prices.

**Economic:**

Employment levels within manufacturing, retail, services, and government sectors remained fairly constant.

**Unemployment:**

Despite recent layoffs in the aircraft industry, data suggests that most area individuals are able to obtain employment, and Nonfarm employment is trending upward.

**Community wealth:** Sales tax revenues and appraised/assessed property values are good indicators of a community's economic health – both have significantly increased since 1997.

**Neighborhood Revitalization:**

The Comprehensive Plan designated three areas for enhancement- Conservation, Revitalization and Re-establishment.

Property values and number of housing units are good indicators of reinvestment and stability within a neighborhood. Since last year, all three areas have seen an increase in property values, but only the Revitalization area increased at the same rate as the rest of the City.

Most housing additions are occurring in the Conservation Areas and unit losses in the Revitalization and Re-establishment Areas have slowed in recent years.

**Agriculture:**

Since the majority of Sedgwick County is made up by prime farmland, it is inevitable that agricultural land will be lost to development and growth.

The majority of the agricultural assessed land loss has occurred within the Wichita 2010 Urban Service Area (as one would expect).

The number of farms has decreased in Sedgwick County while the average farm size has increased- indication of land consolidation.

Crop and Livestock values have decreased in recent years- perhaps due to environmental conditions and reduced market demand.

**Parks:**

Park acres/1000 population has increased however still remains lower than target values as indicated in the 1996 Park and Open Space Plan.

The City has by far more regional Parks than any other type. Notable deficiencies exist in playgrounds and neighborhood parks.

Platted reserves provide both passive and active recreation as well as serving as drainage areas. We have seen a slight increase in platted reserves since 2000.

**Transportation:**

Daily vehicle miles have increased faster than population growth.

**Road Safety:**

Accidents increased in Wichita and decreased in the County- perhaps due to new reporting systems and newly annexed areas.

**Commuter Modes:**

Based on 2000 Census data, fewer people are walking or taking public transportation while commute travel times have increased. Despite increases in fixed route revenue hours in Wichita, ridership has remained fairly constant.

**Air Traffic:**

Despite decreases in boardings and passenger flights at Mid Continent Airport, the expectation is that the trend will reverse with the new discount services available. With cheaper alternatives available, Cargo flights and tonnage have also decreased.

**Environment:**

If the number of air quality exceedences continues to increase, Wichita could reach "non-attainment" status with the federal government.

**Ark River:**

Excursions of the federal TMDL's have remained fairly constant within the last few years. Research is currently underway to determine the pollutant sources and cleanup approaches.

**Solid Waste:**

Recycling has increased since 1997 but is still below the County's target value of 50% of single-family households. No real trend in reduction of solid waste tonnage can be detected at this time.

**Commissioners' Comments**

**Item 10 – Key Indicators**

ANDERSON Are there any key policy implications for this information? There would seem to be policy implications of where we spend money and policy changes.

-None at this time.

HENTZEN On page 4 the assessed valuation indicates what's been happening from 1997 to 2001. The City and County are receiving more money and we need to keep this in mind. They need to say that they are not raising the mill levy rather than they are not raising taxes.

-Citizens have the right to challenge the appraised value with the County Appraiser's office.

GAROFALO What is the difference between revitalization and reestablishment areas?

-Conservation areas are basically sound, but need to be protected from long term, future structural and market decline. Revitalization areas are currently experiencing some level of structural and market decline. Re-establishment areas are experiencing structural, market and community decline to a level where large-scale interventions are needed to create economic and social stability.

11. Annual review of the Comprehensive Plan, presented by David Barber.

**WICHITA-SEDGWICK COUNTY**

**METROPOLITAN AREA PLANNING DEPARTMENT**

**Minutes for Item 11: ANNUAL REVIEW OF THE WICHITA-SEDGWICK**

**COUNTY COMPREHENSIVE PLAN**

My name is Nalini Johnson, Principal Planner for Land Use and Research. I will be presenting Item 11 on behalf of Dave Barber.

The staff of the MAPD has a responsibility to review the Wichita-Sedgwick County Comprehensive Plan on a regular basis to ensure that the Plan is kept relevant in light of current development trends, best planning practices and significant changes in community conditions or priorities. The Planning Commission is also required under Kansas statutes (K.S.A. 12-747) to review at least annually, the comprehensive plan for needed changes or updating.

The Comprehensive Plan was last reviewed in the fall of 2001. At that time, several proposed plan amendments were submitted by the MAPD for review and consideration by the Planning Commission. Most of these proposed amendments received no support from the Commission, but some minor plan amendments were ultimately approved and became effective January 15, 2002.

MAPD staff recently conducted a review of the subdivision, development, rezoning and annexation activity that has occurred throughout the county since the beginning of this year. Staff also evaluated the latest community trend data as documented in the second annual Key Indicators of Community Change report. Based upon this review and evaluation, MAPD staff feels that no significant changes or developments have occurred over the last 8 months that would warrant further amendments to the Wichita-Sedgwick County Comprehensive Plan at this time.

This would be an appropriate time for the members of the Metropolitan Area Planning Commission to either concur with the findings of staff, or propose amendments to the Comprehensive Plan based upon other considerations or findings.

Are there any comments or questions?

GAROFALO How do you make this study to arrive at the recommendation?

JOHNSON We review on an ongoing and daily basis all the work of Current Plans, and other divisions, as well as decisions made by the MAPC. We also look at the goals of the Comprehensive Plan and use the Indicators report to see whether the comprehensive plan is diverging from these goals or if we are meeting those goals.

MICHAELIS Do we need to make a motion?

KROUT No motion is needed.

12. Census Bureau's expansion of the Wichita Urbanized Area, and its implications on the M.P.O's planning boundary and voting-member representation; presented by Jamsheed Mehta.

**WICHITA-SEDGWICK COUNTY**

**METROPOLITAN AREA PLANNING DEPARTMENT**

*Transportation Division*

Date: August 16, 2002

**TO:** Wichita-Sedgwick County  
Metropolitan Planning Organization (MPO)

**FROM:** Jamsheed Mehta, AICP  
Chief Planner

**SUBJECT:** MPO Boundary Expansion, and Voting Member Representation

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**Summary:** The Wichita-Sedgwick County MPO policy body was formed under older statutory provisions and is not consistent with existing federal statute since ISTEA (1991) regarding member representation. While FHWA and FTA chose not to force changes on existing MPOs until circumstances changed, the current shifts in the urbanized area are an opportune time for the MPO, local officials, and the State to re-examine the structure of the MPO. This document provides a summary of some of the implications of expanding the Wichita metropolitan planning boundary.

**Background:** By federal law, the Governor designates the Metropolitan Planning Organization (MPO) policy body to carry out the continuing, cooperative, and comprehensive (3C) transportation planning process resulting in plans and programs that support metropolitan community goals. Attachment "A" lists some of the major responsibilities of an MPO.

According to this department's planning documents, comprehensive transportation planning in Wichita was established in 1959 through the joint efforts of the City of Wichita, Sedgwick County, and the State Highway Commission. Then in 1965, the governing bodies of Wichita and Sedgwick County formally authorized the Planning Commission (MAPC) to represent and act for the Wichita-Sedgwick County Area and to carry on a continuing comprehensive transportation planning process in cooperation with the State Highway Commission.

The official designation of the Planning Commission as the "MPO" dates back to 1974 presumably for the receipt of planning funds from the Urban Mass Transportation Administration (UMTA). Later in 1978, additional responsibilities and roles were identified between the MPO and KDOT, and it appears that these agreements in the 1970s were enacted by the MAPC under the authority granted by the governing bodies in 1965.

More recent transportation bills such as ISTEA (1991) and TEA21 (1998) also established additional responsibilities of the MPO. Regulations in these transportation bills also require the MPO to re-examine its planning boundary, and expand the voting membership to ensure appropriate representation.

The role of the Wichita-Sedgwick County MPO includes the programming of federal transportation funds. The MPO annually prioritizes and allocates \$11 million to streets, bridges, and pathway projects within the planning area, and approves the inclusion of other federally funded projects into the six year programming document - Transportation Improvement Program (TIP) - worth approximately \$45-\$50 million (federal) annually. The present TIP (2002-2007) reflects \$388 million over 130 projects that are either fully or partially funded by the US DOT.

Without an MPO-approved TIP, federal funds cannot be authorized on any transportation project, regardless whether the project involves the interstate system (where no local funds are involved) or an arterial street or bridge project (where 20% local matching funds are provided). Even those projects that are selected at the discretion of KDOT or US DOT, such as enhancements and safety categories, require the MPO to initially approve the application and later include the project in the TIP for authorization of federal funds.

**Issue:** The voting membership of the current MPO policy body does not include representation from those areas identified by the Census in May 2002 as part of the Wichita Urbanized Area. Attachment "B" shows the Wichita Urbanized Area based on the new 2000 Census. The MPO's planning area must, as a minimum, include the Census' urbanized area plus that area likely to become urbanized within the forecast period of the Transportation Plan (minimum twenty years). The MPO's current planning area is the same as that of MAPC jurisdiction, i.e. Sedgwick County.

Simply adding membership to the existing MAPC to ensure representation from Andover, Butler County, and part of Mulvane and Sumner County could be a viable alternative except that federal statute also requires the voting membership of an MPO policy body to include representation of local elected officials. MAPC on the other hand, is made up of fourteen *appointees* of the governing bodies of Wichita and Sedgwick County. While federal officials chose not to force the MPO's that existed prior to this ISTEA requirement to include local elected officials, the current shifts in the urbanized area are an opportune time for the MPO, local officials, and the State to re-examine the structure of the MPO.

The expansion of the urbanized (and therefore planning area) boundary creates more stakeholders, whose representation in the MPO policy body is required by federal statute.

The Census Bureau's urbanized area is based on population density, and may be adjusted jointly by the MPO and the FHWA to include additional area that was left out by the census formula, and for smoothening at the edges. This voluntary expansion of the urbanized area and the planning area, however, will not yield additional federal funds. In fact MAPC does not expect future federal transportation authorizations to the MPO to be significantly different from current levels because other metropolitan areas, with which the Wichita-Sedgwick County MPO competes for federal funds, have also grown proportionately.

The next update to the Transportation Plan, due by March 2005, must consider all communities within the expanded MPO planning area boundary. However, jurisdictions that were not within the previous urbanized and planning area boundary will be eligible to submit applications, beginning October 2002, to the MPO for the prioritization and allocation of federal funds in the TIP. Furthermore, the US DOT's triennial review of this MPO in summer of 2003 must demonstrate efforts of better coordination, inclusion, and representation among all entities.

**Resolving Process:** Federal statute requires the Governor and the MPO to review the MPO designation and all applicable State and local bylaws to determine if additional representation can be achieved without a formal redesignation. Although the State, MPO, or local units of government at this time have not taken any position, redesignation of the MPO may be necessary to comply with that part of the statute dealing with representation of local elected officials.

Redesignation to replace an existing MPO policy body occurs by agreement of the Governor and the affected local units of government representing 75 percent of the population in the entire metropolitan planning area. Wichita, as the central city of the metropolitan area, must be among the units of local government agreeing to the redesignation.

**Redesignation Considerations:** In the likely event that a redesignation is necessary, special consideration would have to be given to:

1. **Planning Boundary.** As a minimum, the metropolitan planning area must include the 2000 Census' Urbanized Area, and that area which will urbanize within twenty years, but it may also include the entire Consolidated Metropolitan Statistical Area (CMSA). The Census Bureau will make CMSA designations next year, and at that time Sumner and/or Harvey Counties may be included with Sedgwick and Butler Counties to form the Wichita CMSA. The MPO's current planning area includes all of Sedgwick County. A minimal expansion of this boundary that includes the cities of Andover and Mulvane, and their respective twenty-year growth areas, could be considered appropriate.
2. Appropriate representation of local elected officials from the metropolitan planning area.
3. Cost sharing agreements to fund MPO activities, including staffing, planning studies, and other operational expenditures. MAPD currently receives approximately \$490,000 each year in federal funds earmarked for MPO-related planning activities, and a local match of \$122,500 split equally between City of Wichita and Sedgwick County.
4. Common methodology of project selection. The MPO currently accepts the priorities of the jurisdiction applying for federal funds and includes it in the TIP. However, federal statutes require the MPO to identify the criteria and process for prioritizing *all* federally funded projects in the planning area. In the future, with more cities and possibly even other counties, it will be necessary to have one set of evaluation criteria to select and program projects based on the policies of the MPO policy body and on an open technical criteria.
5. Consolidated responsibility of federal transportation funds. The current practice of the MPO is to only have the responsibility for funds derived from the federal "urbanized area" formula even though its planning area is countywide. Sedgwick County also gets federal funds that are generally spent outside the urbanized area, and KDOT determines its own priorities on state-maintained facilities, even though these projects must be included in the MPO's TIP in consultation with the State. Federal statutes require the criteria and process of prioritizing implementation of the transportation plan elements for inclusion in the TIP, and precludes individual jurisdictions or modes within the metropolitan planning area from sub-allocating federal transportation funds without addressing requirements of the planning process.

MAPD staff has extensively looked at MPO structures nationwide and finds that no two MPOs are completely alike. According to the Association of Metropolitan Planning Organizations (AMPO), 132 out of 340 MPOs (38%) are located within regional councils, and as of 1993 only 2% were state operations. The rest of the MPOs (60%) are either a city/county or freestanding organization.

The voting entity (MPO policy body) can be a committee of only elected officials, or elected officials may be joined by some appointed officials from, for example, state transportation departments, planning commissions, turnpike authorities, independent transit authorities, etc. Where the MPO policy body is made up of only elected officials, some use population-weighted votes, although the majority of MPO's use the one-seat one-vote form of representation under the assumption that such a structure promotes regional dialogue and consensus. Additionally, other committees that serve the MPO, although not required by federal statute, are common in most organizations. Examples include technical advisory committee, public involvement committee, bikeway committee, air-quality committee, etc. Attachment C shows examples of MPO policy body memberships.

Equally important to the founding of an MPO policy body is the staffing necessary to meet the MPO's responsibilities. Presently, the MAPD's staff serve the MAPC as identified initially in a 1965 joint ordinance/resolution that established the MAPC, and by subsequent amended ordinances/resolutions of the participating governing bodies. If the MAPC, as the region's MPO, is replaced by a policy body of (all or some) local elected officials, then appropriate staffing arrangements must also be identified in a new MPO redesignation agreement with the Governor. Attachment D is a review of some staff arrangements.

**Recommendation:** Authorize staff to (1) review the MPO designation and applicable laws with the State, and include representatives from the MPO, City of Wichita, and Sedgwick County, in examining organizational alternatives; and (2) work with officials from Andover, Butler County, Mulvane and Sumner County to identify options for an expanded planning boundary, and initiate coordination to prepare for future transportation plans and programs.

**Attachments:**

- A. Functions and Responsibilities of the MPO
- B. Map of the Wichita Urbanized Area: Census 2000 and FHWA Adjusted Boundary (1995)
- C. Organizational examples of the MPO policy body
- D. Examples and review of other MPO staff arrangements

E. Examples of comparable MPOs (based on population)

cc. Council members, City of Wichita  
through Chris Cherches, Wichita City Manager  
Board of Sedgwick County Commissioners  
William Buchanan, Sedgwick County Manager  
Irene Hart, Sedgwick County  
Dave Spears, Sedgwick County Public Works  
Steve Lackey, Wichita Public Works

**Attachment -- A**

**Functions and Responsibilities of the MPO**

1. Develop the Long Range Transportation Plan
2. Update the Transportation Improvement Program (TIP)
3. Develop the annual Unified Planning Work Program
4. Prepare and maintain a Congestion Management System
5. Select projects for federal funding that reflect the region's transportation needs and priorities
6. Coordinate activities with the State DOT to map planning boundaries, implement access management, maintain a functional classification of roads, and collect transportation data
7. Make conformity determinations with the State Implementation Plan, along with the air quality planning role, if the region is classified as a nonattainment area
8. Prepare major corridor studies
9. Develop and maintain a Public Involvement Process
10. Consider the effect of transportation policy decisions on land use and development
11. Maintain consistency between transportation plans/programs and short and long term land use and development plans
12. Program expenditures for transportation enhancement activities
13. Execution of agreements and certifications for State and Federal activities
14. Representation of all jurisdictions in formulation of transportation plans and programs
15. Employment of staff
16. Intergovernmental coordination
17. Entering into contracts and owning, selling, operating, maintaining or leasing personal or real property

**Attachment -- B**

**Map of the Wichita Urbanized Area, 2000 Census**

**Attachment -- C**

**Organizational Examples of the MPO Policy Body**

These examples illustrate only a few of many possible voting structures, and are not intended to suggest staff preference or bias toward any governing body.

An MPO may consist of general members that include all political jurisdictions, and may also include transportation-related organizations. A sub-set of the general members may be the MPO policy body (as required by federal statute).

General Members (non-voting)

- i. 20 Cities in Sedgwick County (includes Mulvane) and Andover (total 21)
- ii. Sedgwick, Butler and Sumner Counties
- iii. State of Kansas (KDOT, and possibly KDHE later)
- iv. US DOT (FHWA, FTA, and possibly EPA later)
- v. Transit (Wichita)
- vi. Paratransit Council
- vii. Wichita Airport and McConnell AFB
- viii. Planning Commissions from local jurisdictions

Alternatives for MPO Policy Body (Voting Members)

- a. Adding Andover's Planning Commission chair to the existing MPO (MAPC). This alternative does not satisfy the federal requirement, but should be reviewed in conjunction with the other alternatives.
- b. Unweighted Voting (one-seat one-vote) (Total 8 elected officials)
  - i. One elected official each from Butler and Sumner County Commissions (2)
  - ii. Two elected officials from Sedgwick County Commission (2)
  - iii. Wichita Mayor and Vice Mayor (2)
  - iv. One Mayor (ex-Wichita) elected annually within Wichita Urbanized Area cities (1)
  - v. One Mayor (ex-Wichita Urbanized Area) elected annually within cities not in the Wichita Urbanized Area (1)
- c. Unweighted Voting (one-seat one-vote) (Total 16 elected officials)
  - i. One elected official each from Butler and Sumner County Commissions (2)
  - ii. Five elected officials from Sedgwick County Commission (5)
  - iii. Wichita Mayor and Six Council Members (7)
  - iv. One Mayor (ex-Wichita) elected annually within Wichita Urbanized Area cities (1)
  - v. One Mayor (ex-Wichita Urbanized Area) elected annually within cities not in the Wichita Urbanized Area (1)
- d. Unweighted Voting (one-seat one-vote) (Total 19; elected-12, appointed-7)
  - i. One elected official each from Butler, Sedgwick, and Sumner County Commissions (3)
  - ii. Advance Plans Committee of the MAPC (appointed) (7)
  - iii. Wichita Mayor and Six Council Members (7)
  - iv. One Mayor (ex-Wichita) elected annually within Wichita Urbanized Area cities (1)
  - v. One Mayor (ex-Wichita Urbanized Area) elected annually within cities not in the Wichita Urbanized Area (1)
- e. Unweighted Voting (one-seat one-vote) (Total 15; elected-12, appointed-3)
  - i. One elected official each from Butler, Sedgwick, and Sumner County Commissions (3)
  - ii. Two MA PC members (appointed) (2)
  - iii. Wichita Mayor and Six Council Members (7)
  - iv. One Mayor (ex-Wichita) elected annually within Wichita Urbanized Area cities (1)
  - v. One Mayor (ex-Wichita Urbanized Area) elected annually within cities not in the Wichita Urbanized Area (1)
  - vi. One KDOT official (1)
- f. Weighted Voting by Population - Counties
  - ix. Sedgwick County 84.13%
  - x. Butler County 11.05%
  - xi. Sumner County 4.80%



g. Weighted Voting by Population - Cities

Cities in Sedgwick County, plus Andover and Mulvane	2000 Population	Population Share
Wichita	344,284	83.337%
Derby	17,807	4.310%
Haysville	8,502	2.058%
Andover (Bu. Co.)	6,698	1.621%
Bel Aire	5,836	1.413%
Park City	5,814	1.407%
Mulvane (Sg. & Su Co.)	5,155	1.248%
Valley Center	4,883	1.182%
Clearwater	2,178	0.527%
Goddard	2,037	0.493%
Maize	1,868	0.452%
Cheney	1,783	0.432%
Colwich	1,229	0.297%
Kechi	1,038	0.251%
Mount Hope	830	0.201%
Eastborough	826	0.200%
Garden Plain	797	0.193%
Andale	766	0.185%
Bentley	368	0.089%
Sedgwick	211	0.051%
Viola	211	0.051%
	413,121	100.000%

h. Weighted Voting by Population - Cities and 3-County (Combined)

Jurisdiction	Population 2000	3-County Population Share
Sedgwick County (all)	452,869	47.599%
Wichita	344,284	36.186%
Butler County (all)	59,482	6.252%
Sumner County (all)	25,946	2.727%
Derby	17,807	1.872%
Haysville	8,502	0.894%
Andover	6,698	0.704%
Bel Aire	5,836	0.613%
Park City	5,814	0.611%
Valley Center	4,883	0.513%
Mulvane (in Sg. Co.)	4,154	0.437%
Clearwater	2,178	0.229%
Goddard	2,037	0.214%
Maize	1,868	0.196%
Cheney	1,783	0.187%
Colwich	1,229	0.129%
Kechi	1,038	0.109%
Mulvane (in Su. Co.)	1,001	0.105%
Mount Hope	830	0.087%
Eastborough	826	0.087%
Garden Plain	797	0.084%
Andale	766	0.081%
Bentley	368	0.039%
Sedgwick	211	0.022%
Viola	211	0.022%
TOTAL	951,418	100.000%

i. Weighted Voting by Population - Cities and Balance of Sedgwick County

Jurisdiction	Population 2000	Population Share
Wichita	344,284	74.752%
Unincorp. Sedgwick Co.	47,447	10.302%
Derby	17,807	3.866%
Haysville	8,502	1.846%
Andover	6,698	1.454%
Bel Aire	5,836	1.267%
Park City	5,814	1.262%
Valley Center	4,883	1.060%
Mulvane (Sg. Co.)	4,154	0.902%
Clearwater	2,178	0.473%
Goddard	2,037	0.442%
Maize	1,868	0.406%
Cheney	1,783	0.387%
Colwich	1,229	0.267%
Kechi	1,038	0.225%
Mulvane (Su. Co.)	1,001	0.217%
Mount Hope	830	0.180%
Eastborough	826	0.179%
Garden Plain	797	0.173%
Andale	766	0.166%
Bentley	368	0.080%
Sedgwick	211	0.046%
Viola	211	0.046%
TOTAL	460,568	100.000%

**Attachment -- D**

**Examples and Review of the Other MPO Staff Arrangements**

The staff of the Metropolitan Area Planning Department (MAPD), a joint city-county entity, presently serves the MPO policy body. In addition to the transportation planning staff, the present MPO benefits from the other MAPD divisions, which together provides technical expertise in comprehensive planning.

Some of the other staff arrangements that could serve the MPO policy body and its various committees are also explored:

- a. Have a Regional Planning Organization staff conduct MPO activities.

There is no established Regional Planning Organization in this area. If such an organization was created, this option should be considered.

- b. Have a Council Of Government (COG) staff conduct MPO activities.

REAP is the only existing COG in the region. Organized in 1997, as the South Central Regional Council of Governments originally had a membership of 27 cities. The SCRCOG altered its bylaws and changed its name to the Regional Economic Area Partnership in 1998, and four of the original members withdrew from the organization. As of 2001, REAP has a membership of 28 cities and 5 counties.

While other COGs provide programs for the aging, land-use planning, economic development, environmental protection, or provide for the coordination of service delivery, planning, advocacy, technical assistance, or project development in areas such as community development, transportation, housing, land use, solid waste, and natural resources, the SCRCOG/ REAP's mission devotes to economic and political issues.

REAP has two primary purposes: first, to guide state and national actions that affect economic development in the region; and second, to consider and adopt joint actions among member governments that enhance the regional economy. REAP does not cater to program delivery, land use, transportation planning, or regulatory functions, neither does it have the technical experience of GIS, transportation modeling, and programming required for the performance of the MPO role.

The REAP contains areas and members exceeding the boundaries of the MPO and includes members that would not be represented on the MPO. Additional methodologies would have to be used for the project selection and programming for non-members, whereas the MPO would do this for the MPO's planning area members.

c. Have a City or County staff conduct MPO activities.

Staff has an inherent conflict of interest when employed by either a City or County entity. Parochial interests will usually interfere with fair and unprejudiced performance by staff. Given the cross-boundary aspects of the MPO, city or county resources are not likely to be used for work outside the local interests of the city or county.

d. Have a freestanding MPO, with full staff, conducting MPO activities.

As an independent organization, with the multi-jurisdictional nature of the MPO boundary, staff has no conflict of interest as when employed by either a City or County entity. Parochial interests should not interfere with fair and unprejudiced performance by staff. Given the cross-boundary aspects of the MPO, the MPO resources are used for the membership, and the MPO is not restricted to less than the entire MPO planning area.

A freestanding MPO is generally limited to transportation and related functions under state and Federal regulations.

The freestanding MPO does, however, have increased costs and personnel requirements due to administrative functions within the organization. Such additional costs could be defrayed by associating with a larger organization such as City/County government. There is the possibility of contracting the services, but that would not eliminate the added costs.

e. Have a freestanding MPO, with minimal staff, (executive administration), and contracting MPO activities through a City or County, or a combination.

The MPO could contract many of the functions of the MPO, but that introduces potential conflicts of interest as stated in the previous sections. The cross-boundary aspects of the MPO would potentially require many contractual obligations that could be cumbersome, and may not reduce the costs enough to justify the effort.

f. Have the MPO staffed by the State.

Staffing by the State removes one aspect of local participation in the MPO process, and may inhibit confidence and trust in the staffing of the MPO. There is also a potential conflict of interest in this arrangement.

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The Metropolitan Area Planning Department informally adjourned at 3:20 p.m.

State of Kansas     )  
Sedgwick County    ) ss

I, Mike Lindebak, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on \_\_\_\_\_, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Mike Lindebak, Secretary  
Wichita-Sedgwick County Metropolitan  
Area Planning Commission

(SEAL)